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RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 000318

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TAGS: [PHUM](#) [PGOV](#) [PINS](#) [KJUS](#) [IZ](#) [FR](#)  
SUBJECT: FRENCH REQUEST TO INTERVIEW FOUR IRAQI DETAINEES

REF: PARIS 552

Classified By: Counselor for Political-Military  
Affairs David C. Litt for Reasons 1.4 (b) and (d)

¶1. (C) SUMMARY: In response to Embassy Paris's query in Reftel: the Chief Investigative Judge of the Iraqi High Tribunal (IHT), Judge Ra'ad, has indicated that he is receptive to the GOF's request to interview four Iraqi detainees awaiting trial at the IHT, under certain conditions (which we discussed with French Deputy Chief of Franck Gellet on 18 January). Judge Ra'ad intends to respond formally to the GOF's request through diplomatic channels, although he has not provided a firm timeframe. END SUMMARY.

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POST OUTLINES IHT CONDITIONS TO FRENCH DCM  
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¶2. (C) On January 18, French DCM Gellet met with Pol-MilCouns, RCLO, and MNF-I Task Force 134 to discuss IHT willingness to permit GOF interviews of Saddam Hussein, Taha Yasin Ramadan, Tariq Aziz, and Amir Muhammad Rashid, all in Iraqi legal (albeit MNF-I physical) custody. RCLO noted that:

- \* Judge Ra'ad of the IHT is amenable to granting the GOF request under certain conditions;
- \* The IHT intends to appoint an investigating judge to conduct the interviews;
- \* The IHT expects the GOF to submit questions in advance, in Arabic;
- \* Any documents to be used in the interview will also need to be submitted in advance, in Arabic;
- \* Questioning will be conducted in Arabic by an Iraqi judge from the bench;
- \* A French representative is welcome to attend, but must sit in the gallery.

DCM Gellet was appreciative of the progress made, saying that these were positive developments. He also noted that:

- \* The French judge in attendance would likely want the opportunity to ask follow-up questions;
- \* It might be necessary for a French government interpreter to be present at the interview;
- \* The French judge in attendance might prefer to sit at the bench during questioning.

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POST CONSULTS AGAIN WITH IHT ON FRENCH REQUEST  
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13. (C) On January 19, RCLO met with Judge Raad at his office to discuss the previous day's meeting with French DCM Gellet. Judge Ra'ad shared some preliminary thoughts on the French request, while saying that he intended to respond formally through diplomatic channels. He noted that:

- \* He did not object in principle to a French judge attending questioning as the French representative;
- \* He did not object to the presence of a French government interpreter during questioning;
- \* Follow-up questions could be submitted to the Iraqi judge in writing and in Arabic during the session;
- \* The French judge in attendance would not be allowed to sit at the bench.

Judge Ra'ad was firm on the last point, which he considered an issue of law and sovereignty; he did

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say, however, that the hearing room was small and that the French judge and translator would have a good view of the bench. He also stated that he intended to respond to the French request as soon as possible (we are aware, however, that Ra'ad is extremely pressed for time given the ongoing pressures of the al Dujail trial).

14. (C) Pol-MilCouns conveyed Judge Ra'ad's responses to French Ambassador Frank Gellet by telephone, and advised the Ambassador that the IHT intended to respond directly to the GOF through diplomatic channels. He also noted that we would immediately inform the French Embassy of any additional information conveyed to us informally by Judge Ra'ad, and would be happy to be present to assist on the day of the questioning session.  
KHALILZAD